APPENDIX D: WATER CLASSIFICATION PROGRAM OF MAINE

The waters of the state are classified in accordance with MRSA 38 § 464:

1. Findings; objectives; purpose. The Legislature finds that the proper management of the state's water resources is of great public interest and concern to the state in promoting the general welfare; in preventing disease; in promoting health; in providing habitat for fish, shellfish and wildlife; as a source of recreational opportunity; and as a resource for commerce and industry.

The Legislature declares that it is the state's objective to restore and maintain the chemical, physical and biological integrity of the state's waters and to preserve certain pristine state waters. The Legislature further declares that in order to achieve this objective the state's goals are:

A. That the discharge of pollutants into the waters of the state be eliminated where appropriate;

B. That no pollutants be discharged into any waters of the state without first being given the degree of treatment necessary to allow those waters to attain their classification; and

C. That water quality be sufficient to provide for the protection and propagation of fish, shellfish and wildlife and provide for recreation in and on the water.

The Legislature intends by passage of this article to establish a water quality classification system which will allow the State to manage its surface waters so as to protect the quality of those waters and, where water quality standards are not being achieved, to enhance water quality. This classification system is based on water quality standards which designate the uses and related characteristics of those uses for each class of water and which also establish water quality criteria necessary to protect those uses and related characteristics. The Legislature also intends to assign to each of the state's surface water bodies the water quality classification which shall designate the minimum level of quality which the Legislature intends for the body of water. The state's management of that waterbody is intended to achieve at least that minimum level of water quality.

Per MRSA 38 § 465-B, Standards for classification of estuarine and marine waters, the Department of Environmental Protection has three standards for the classification of estuarine and marine waters.

1. **Class SA waters** Class SA is the highest classification and is applied to waters which are outstanding natural resources and which should be preserved because of their ecological, social, scenic, economic or recreational importance.

   A. Class SA waters shall be of such quality that they are suitable for the designated uses of recreation in and on the water, fishing, aquaculture, propagation and harvesting of shellfish and navigation and as habitat for fish

and other estuarine and marine life. The habitat shall be characterized as free-flowing and natural.

B. The estuarine and marine life, dissolved oxygen and bacteria content of Class SA waters shall be as naturally occurs.

C. There shall be no direct discharge of pollutants to Class SA waters.

2. **Class SB waters** Class SB shall be the 2nd highest classification.

A. Class SB waters shall be of such quality that they are suitable for the designated uses of recreation in and on the water, fishing, aquaculture, propagation and harvesting of shellfish, industrial process and cooling water supply, hydroelectric power generation and navigation and as habitat for fish and other estuarine and marine life. The habitat shall be characterized as unimpaired.

B. The dissolved oxygen content of Class SB waters shall be not less than 85% of saturation. Between May 15th and September 30th, the numbers of enterococcus bacteria of human origin in these waters may not exceed a geometric mean of 8 per 100 milliliters or an instantaneous level of 54 per 100 milliliters. The numbers of total coliform bacteria or other specified indicator organisms in samples representative of the waters in shellfish harvesting areas may not exceed the criteria recommended under the National Shellfish Sanitation Program Manual of Operations, Part I, Sanitation of Shellfish Growing Areas, United States Department of Food and Drug Administration.

C. Discharges to Class SB waters shall not cause adverse impact to estuarine and marine life in that the receiving waters shall be of sufficient quality to support all estuarine and marine species indigenous to the receiving water without detrimental changes in the resident biological community. There shall be no new discharge to Class SB waters which would cause closure of open shellfish areas by the Department of Marine Resources.

3. **Class SC waters** Class SC waters shall be the 3rd highest classification.

A. Class SC waters shall be of such quality that they are suitable for recreation in and on the water, fishing, aquaculture, propagation and restricted harvesting of shellfish, industrial process and cooling water supply, hydroelectric power generation and navigation and as a habitat for fish and other estuarine and marine life.

B. The dissolved oxygen content of Class SC waters shall be not less than 70% of saturation. Between May 15th and September 30th, the numbers of enterococcus bacteria of human origin in these waters may not exceed a geometric mean of 14 per 100 milliliters or an instantaneous level of 94 per 100 milliliters. The numbers of total coliform bacteria or other specified indicator organisms in samples representative of the waters in restricted shellfish harvesting areas may not exceed the criteria recommended under the National

Shellfish Sanitation Program Manual of Operations, Part I, Sanitation of Shellfish Growing Areas, United States Food and Drug Administration.

C. Discharges to Class SC waters may cause some changes to estuarine and marine life provided that the receiving waters are of sufficient quality to support all species of fish indigenous to the receiving waters and maintain the structure and function of the resident biological community.

4. **Classifiications of Estuarine and Marine Waters** Per MSRA 38 § 464, all estuarine and marine waters lying within the boundaries of the state and which are not otherwise classified are Class SB waters.

1. CUMBERLAND COUNTY

A. Cape Elizabeth

(1) Tidal waters of the Spurwink River system lying north of a line at latitude 43º-33'-44"N – Class SA.

B. Cumberland

(1) Tidal waters located within a line beginning at a point located on the Cumberland-Portland boundary at approximately latitude 43º-41'-18"N, longitude 70º-05'-48"W and running northeasterly to a point located on the Cumberland-Harpswell boundary at approximately latitude 43º-42'-57"N, longitude 70º-03'-50"W; thence running southwesterly along the Cumberland-Harpswell boundary to a point where the Cumberland, Harpswell and Portland boundaries meet; thence running northeasterly along the Cumberland-Portland boundary to point of beginning – Class SA.

C. Falmouth

(1) Tidal waters located within a line beginning at a point located on the shore at latitude 43º-42'-03"N longitude 70º-15'-22"W and running southwesterly along the Falmouth-Portland boundary to the shore of Mackworth Island; thence running northerly along the western shore of Mackworth Island and the Mackworth Island Causeway to a point located at latitude 43º-41'-42"N, longitude 70º-14'-25"W; thence running along the shore of the Presumpscot River Estuary to point of beginning – Class SC.

D. Harpswell

(1) Tidal waters located within a line beginning at a point located on the Cumberland-Harpswell boundary at approximately latitude 43º-42'-57"N, longitude 70º-03'-50"W and running northeasterly to a point located at latitude 43º-43'-08"N, longitude 70º-03'-36"W; thence running southeasterly to a point located at latitude 43º-42'-02"N, longitude 70º-00'-00"W; thence running due south to the Harpswell-Portland boundary; thence running northwesterly along the Harpswell-Portland boundary to a point where the Cumberland, Harpswell and Portland boundaries meet; thence running northwesterly along the Cumberland-Harpswell boundary to point of beginning – Class SA.

E. Portland

(1) Tidal waters located within a line beginning at a point located on the Cumberland-Portland boundary at approximately latitude 43º-41'-18"N, longitude 70º-05'-48"W and running southeasterly along the Cumberland-Portland boundary to a point where the Cumberland, Harpswell and Portland boundaries meet; thence running southeasterly along the Harpswell-Portland boundary to longitude 70º-00'-00"W; thence running due south to a point located at latitude 43º-38'-21"N, longitude 70º-00'-00"W; thence running due west to a point located at latitude 43º-38'-21"N, longitude 70º-09'-06"W; thence running northeasterly to point of beginning – Class SA.

(2) Tidal waters lying northwesterly of a line beginning at Portland Head Light and running northerly to the southernmost point of land on Cushing Island; thence running northerly along the western shore of Cushing Island to the northernmost point of land on Cushing Island; thence running northerly to the southernmost point of land on Peaks Island; thence running northerly along the western shore of Peaks Island to a point located at latitude 43º-40'-10"N, longitude 70º-11'-34"W; thence running northwesterly to the southernmost point of land on Great Diamond Island; thence running northwesterly along the westerly shore of Great Diamond Island to a point located at latitude 43º-40'-36"W, longitude 70º-11'-34"W; thence running northwesterly for 0.7 mile to a point where the Falmouth-Portland boundary forms a right angle; thence running northwesterly along the Falmouth-Portland boundary to a point located at latitude 43º-42'-03"N, longitude 70º-15'-22"W – Class SC.

F. Scarborough

(1) Tidal waters of the Scarborough River system lying north of a line running easterly from a point where the old Boston and Maine Railroad line intersects the marsh at latitude 43º-33'-06"N, longitude 70º-20'-58"W to a point of land north of Black Rock at latitude 43º-33'-06"N, longitude 70º-19'-25"W, excluding those tidal waters of Phillips Brook lying upstream of a point 500 feet south of U.S. Route 1 – Class SA.

(2) Tidal waters of the Spurwink River system lying north of a line extending from Higgins Beach at latitude 43º-33'-44"N to the town line – Class SA.

G. South Portland

(1) All tidal waters – Class SC.

2. HANCOCK COUNTY

A. Bar Harbor

(1) Tidal waters, except those lying within 500 feet of privately owned shoreline, lying northerly of latitude 44º-16'-36"N, southerly of latitude 44º-20'-27"N, and westerly of longitude 68º-09'-28"W – Class SA.

B. Bucksport

(1) All tidal waters – Class SC.

C. Cranberry Isles
(1) Tidal waters, except those lying within 500 feet of privately owned shoreline, lying within 0.5 mile of the shore of Baker Island – Class SA.

D. Mount Desert
(1) Tidal waters, except those lying within 500 feet of privately owned shoreline, lying northerly of latitude 44º-16'-36"N and easterly of longitude 68º-13'-08"W – Class SA.

(2) Tidal waters of Somes Sound lying northerly of a line beginning at a point located at latitude 44º-18'-18", longitude 68º-18'-42"N and running northeasterly to a point located at latitude 44º-18'-54"N, longitude 68º-18'-22"W and lying southerly of a line beginning at a point located at latitude 44º-19'-37"N, longitude 68º- 18'-52"W and running northeasterly to a point located at latitude 44º-19'-45", longitude 68º-18'-23"W – Class SA.

E. Orland
(1) Tidal waters lying northerly of the southernmost point of land on Verona Island – Class SC.

F. Southwest Harbor
(1) Tidal waters lying northerly of latitude 44º-12'-44º -"N, southerly of latitude 44º-14'-13"N and westerly of longitude 68º-18'-27"W – Class SA.

(2) Tidal waters of Somes Sound lying northerly of a line beginning at a point located at latitude 44º-18'-18"N, longitude 68º-18'-42"W and running northeasterly to a point located at latitude 44º-18'-54"N, longitude 68º-18'-22"W – Class SA.

G. Tremont
(1) Tidal waters lying northerly of latitude 44º-12'-44º -"N, southerly of latitude 44º-14'-13"N and easterly of longitude 68º-20'-30"W – Class SA.

(2) Tidal waters lying northerly of the southernmost point of land on Verona Island – Class SC.

H. Winter Harbor
(1) Tidal waters lying south of a line running west from the northernmost tip of Frazer Point to longitude 68º-05'-00"W and east of longitude 68º-05'-00"W – Class SA.

3. KNOX COUNTY

A. Isle Au Haut
(1) Tidal waters, except those lying within 500 feet of privately owned shoreline, lying northerly of latitude 44º-00'-00"N, southerly of latitude 44º-03'-06"N,

easterly of longitude 68º-41'-00"W and westerly of longitude 68º-35'-00"W – Class SA.

B. Owls Head
   (1) Tidal waters lying westerly of a line running between the southernmost point of land on Jameson Point and the northernmost point of land on Battery Point – Class SC.

C. Rockland
   (1) Tidal waters lying westerly of a line running between the southernmost point of land on Jameson Point and the northernmost point of land on Battery Point – Class SC.

4. LINCOLN COUNTY

A. Boothbay
   (1) Tidal waters lying south of the northernmost point of Damariscove Island and west of longitude 69º-36'-00"W – Class SA.

5. PENOBSCOT COUNTY

A. Hampden
   (1) Tidal waters lying southerly of a line extended in an east-west direction from the outlet of Reed Brook in the Village of Hampden Highlands – Class SC.

B. Orrington
   (1) Tidal waters lying southerly of a line extended in an east-west direction from the outlet of Reed Brook in the Village of Hampden Highlands – Class SC.

6. SAGADAHOC COUNTY

A. Georgetown
   (1) Tidal waters located within a line beginning at a point on the shore located at latitude 43º-47'-16"N, longitude 69º -43'-09"W and running due east to longitude 69º -42'-00"W; thence running due south to latitude 43º-42'-52"N; thence running due west to longitude 69º -44' -25"W; thence running due north to a point on the shore located at latitude 43º-46'-15"N, longitude 69º -44'-25"W; thence running northerly along the shore to point of beginning – Class SA.

B. Phippsburg
   (1) Tidal waters east of longitude 69º-50'-05"W and west of longitude 69º-47'-00"W – Class SA.

7. WALDO COUNTY

A. Frankfort
   (1) All tidal waters – Class SC.

B. Prospect
   (1) All tidal waters – Class SC.

C. Searsport
   (1) Tidal waters located within a line beginning at the southernmost point of land on Kidder Point and running southerly along the western shore of Sears Island to the southernmost point of Sears Island; thence running due south to latitude 44º-25'-25"N; thence running due west to latitude 44º-25'-25"N, longitude 68º-54'-30"W; thence running due north to the shore of Mack Point at longitude 68º-54'-30"W; thence running along the shore in an easterly direction to point of beginning – Class SC.

D. Stockton Springs
   (1) Tidal waters lying northerly of the southernmost point of land on Verona Island – Class SC.

E. Winterport
   (1) All tidal waters – Class SC.

8. WASHINGTON COUNTY

A. Beals
   (1) Tidal waters lying east of the line extending from the westernmost point of Three Falls Point to the easternmost point of Crumple Island; thence south along longitude 67º-36'-47"W – Class SA.

   (2) Tidal waters lying south of a line extending from the easternmost point of the southern shore of the Mud Hole; thence extending along latitude 44º-29'-00"N to the town line – Class SA.

B. Calais
   (1) Tidal waters of the St. Croix River and its tidal tributaries lying westerly of longitude 67º-14'-28"W – Class SC.

C. Cutler
   (1) All tidal waters except those waters in Machias Bay and Little Machias Bay north of a line running from the town line due east to the southernmost point of Cross Island; thence running northeast to the southeasternmost point of Cape Wash Island; thence running northeast to the westernmost point of Deer Island; thence running due north to the mainland; and those waters lying northwest of a line running from the easternmost point of Western Head to the easternmost point of Eastern Knubble – Class SA.

D. Eastport

(1) Tidal waters lying southerly of latitude 44º-54'-50"N, easterly of longitude 67º-02'-00"W and northerly of latitude 44º-53'-15"N – Class SC.

E. Edmunds
(1) All tidal waters – Class SA.

F. Lubec
(1) Tidal waters, except those lying within 500 feet of West Quoddy Head Light, south of a line beginning at a point located on the northern shore of West Quoddy Head at latitude 44º-49'-22"N, longitude 66º-59'-17"W and running northeast to the international boundary at latitude 44º-49'-45"N, longitude 66º-57'-57"W – Class SA.

(2) Tidal waters west of a line running from the easternmost point of Youngs Point to the easternmost point of Leighton Neck in Pembroke – Class SA.

G. Milbridge
(1) Tidal waters south of a line running from the town line along latitude 44º-27'-39"N to the northernmost point of Currant Island; thence running southeasterly to a point 1,000 feet from mean high tide on the east shore of Bois Bubert Island; thence along a line running 1,000 feet from mean high tide along Bois Bubert Island to the southernmost point of the island; thence running due south – Class SA.

H. Pembroke
(1) Tidal waters west of a line running from the easternmost point of Leighton Neck to the easternmost point of Youngs Point in Lubec – Class SA.

I. Steuben
(1) Tidal waters southeast of a line beginning at Yellow Birch Head at latitude 44º-25'-05"N; thence running to longitude 67º-55'-00"W; thence running due south along longitude 67º-55'-00"W – Class SA.

(2) Tidal waters southwest of a line beginning at a point located south of Carrying Place Cove at latitude 44º-26'-18"N, longitude 67º-53'-14"W; thence running along latitude 44º-26'-18"N east to the town line – Class SA.

J. Trescott
(1) All tidal waters – Class SA.

K. Whiting
(1) Tidal waters of the Orange River – Class SA.

9. YORK COUNTY

A. Biddeford
(1) Tidal waters of the Saco River and its tidal tributaries lying westerly of longitude 70º-22'-54"W – Class SC.

B. Kennebunk
   (1) Tidal waters of the Little River system lying north of latitude 43º-20'-10"N – Class SA.

C. Kittery
   (1) Tidal waters of the Piscataqua River and its tidal tributaries lying westerly of longitude 70º-42'-52"W, southerly of Route 103 and easterly of Interstate Route 95 – Class SC.

   (2) Tidal waters lying northeast of a line from Sisters Point; thence south along longitude 70º-40'-00"W to the Maine-New Hampshire border; thence running southeast along the Maine-New Hampshire border to Cedar Ledge beyond the Isles of Shoals, except waters within 500 feet of the Isles of Shoals Research Station – Class SA.

D. Old Orchard Beach
   (1) Tidal waters of Goosefare Brook and its tidal tributaries lying westerly of longitude 70º-23'-08"W – Class SC.

E. Saco
   (1) Tidal waters of Goosefare Brook and its tidal tributaries lying westerly of longitude 70º-23'-08"W – Class SC.

   (2) Tidal waters of the Saco River and its tidal tributaries lying westerly of longitude 70º-22'-54"W – Class SC.

F. Wells
   (1) Tidal waters of the Little River system lying north of latitude 43º-20'-10"N – Class SA.

G. York
   (1) Tidal waters lying southwest of a line from Seal Head Point east along latitude 43º-07'-15"N – Class SA.